

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

ANDRE LENOIR

PLAINTIFF

VS.

CIVIL ACTION NO. 5:04cv290-JCS

CHRISTOPHER EPPS, DOLAN WALLER,  
SANDRA JACKSON, and JANE T. BOUNDS

DEFENDANTS

JUDGMENT

For the reasons stated in the opinion entered in this cause, the Court finds that the plaintiff's claims do not rise to the level of constitutional violations and should be dismissed as "frivolous." The Court finds, furthermore, that summary judgment should be granted in favor of Defendants Waller and Jackson, and that the Plaintiff's Motion for summary judgment should be denied. The parties have also consented, pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, for all proceedings and final judgment to be entered by a United States Magistrate Judge. Because this case is dismissed pursuant to the Prison Litigation Reform Act and 28 U.S.C. §§ 1915(e) as "frivolous", it will be counted as a "strike." If the plaintiff receives "three strikes," he will be denied *in forma pauperis* status and be required to pay the full filing fee to file a civil action or an appeal. The Court notes that the Plaintiff has previously brought a case in this Court which was dismissed as frivolous and counted as a "strike." See Lenoir v. King, et al., Civil Action No. 2:03cv72-PG, dismissed on August 4, 2003. Accordingly, this case is dismissed with prejudice.

ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of the defendants, and this entire action is dismissed with prejudice.

SO ORDERED AND ADJUDGED this the 26th day of March, 2007.

S/ James C. Sumner  
UNITED STATES MAGISTRATE JUDGE